

JS-6

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

VICTORIA NGUYEN, an individual,
and as private attorney general, and on
behalf of all persons similarly situated,

Plaintiff,

v.

BANK OF AMERICA
CORPORATION, a Delaware
corporation; BANK OF AMERICA,
NATIONAL ASSOCIATION, a
corporation authorized to do business in
California, and DOES 1-100, inclusive,,

Defendants.

CASE NO. SACV08-0737 AG(ANx)

[PROPOSED] JUDGMENT

This action came on for hearing before the Court on March 15, 2010, before the Honorable Andrew J. Guilford upon Defendant Bank of America, National Association's (the "Bank's") Motion for Summary Judgment, and upon Plaintiff's Cross-Motion for Class Certification. The evidence presented having been fully considered, the issues having been duly heard, including the argument of counsel, and a decision having been duly rendered,

1 **IT IS ORDERED AND ADJUDGED** that the Bank's Motion for
2 Summary Judgment is GRANTED, and conversely that Plaintiff's Motion for Class
3 Certification is DENIED AS MOOT, based upon the reasons and rulings set forth in
4 the Court's written Order, dated March 16, 2010, which Order previously was filed
5 and entered into the record, and now is incorporated fully by reference herein.

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7 **IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiff take
8 nothing, and that the remainder of the Complaint must be dismissed, with prejudice,
9 because of Plaintiff's lack of standing to pursue the claims on behalf of other
10 purported class members. *See Lierboe v. State Farm Mut. Automobile Ins. Co.*, 350
11 F.3d 1018, 1022-1023 (9th Cir. 2003); *Skilstaf, Inc. v. CVS Caremark Corp.*, 2010
12 U.S. Dist. LEXIS 2662, *19-21 (N.D. Cal., Jan. 13, 2010).

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14 Finally, Defendant Bank is entitled to recover its costs as a prevailing
15 party pursuant to F.R.C.P. Rule 54(d)(1). *See also*, Central District Local Rule 54-
16 2.2; *White v. Sundstrand Corp.*, 256 F.3d 580, 585-586 (7th Cir. 2001)(prevailing
17 defendant awarded fees in class action); *In Re Williams Securities Litig.*, 558 F.3d
18 1144, 1151 (10th Cir. 2009)(same).

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20 DATED: March 29, 2010



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22 HONORABLE ANDREW J. GUILFORD
23 UNITED STATES DISTRICT JUDGE
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